

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

Case No. 22-11068 (JTD)

Chapter 11

In re:

FTX Trading Ltd., et al., Debtors

Response to the Debtors' Ninety-Fourth (Non-Substantive) Omnibus Objection to Certain Superseded Claims (Customer Claims) - Doc 25691, Dated September 25, 2024, Regarding Claim No. 1253 (Overprod, EURL)

RECEIVED
2024 NOV -1 AM 10:06
CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

Jérôme Carrette

220 route des désirs

01540 Saint-Julien-sur-Veyle

FRANCE

jerome.carrette@gmail.com

+337 81 71 75 85

Filed via: The Office of the Clerk of the United States Bankruptcy Court for the District of Delaware

824 Market Street, 3rd Floor

Wilmington, Delaware 19801

Served upon counsel for the Debtors:

Sullivan & Cromwell LLP

Attn: Christian P. Jensen (jensenc@sullcrom.com), David M. Rosenthal (rosenthald@sullcrom.com)

125 Broad Street, New York, New York 10004

Landis Rath & Cobb LLP

Attn: Adam G. Landis (landis@lrclaw.com), Kimberly A. Brown (brown@lrclaw.com)
919 Market Street, Suite 1800, Wilmington, Delaware 19801

Date: October 3rd, 2024

Introduction and Overview

I, **Jérôme Carrette**, owner and director of Overprod, EURL, am filing this Response to the Debtors' objection to my company's claim (**Claim No. 1253**). The claim is not superseded by my personal claim (Claim No. 2000), as the Debtors assert. The two claims are entirely separate and concern distinct accounts, legal entities, and transactions. I hereby request the Court to reject the Debtors' attempt to disallow my company's claim.

Claimant Information:

- **Name of Claimant:** Jérôme Carrette, representing **Overprod**, EURL
- **National Company Registration Number:** 818 023 301 (SIREN)
- **Registered in:** France
- **Claim Number:** 1253

- **Description of Claim:** Overprod EURL's claim against FTX Europe for €10,000 EUR (\$10,359 USD), related to a fiat deposit made on September 13, 2022, which remained untraded when FTX filed for bankruptcy. This claim is distinct from my personal claim, Claim No. 2000, which is against FTX.com.

Factual Basis for the Response

1. **Personal Claim (Claim No. 2000):**

I filed this claim in relation to my personal FTX account, which I created on February 11, 2021. I used this account exclusively for personal trading, using the email jerome.carrette@gmail.com. The balance of my personal account, as confirmed by Kroll, was \$9,254 USD. Unique customer code given by Kroll: 00592591.

2. **Company Claim (Claim No. 1253):**

My company Overprod, EURL, filed a separate claim for €10,000 EUR. Overprod created a distinct FTX account on August 23, 2022, using the email me@jeromecarrette.com, and the €10,000 were deposited from my company's bank account on September 13, 2022. No trades were made with these funds before FTX's bankruptcy. Unique customer code given by Kroll: 00077043.

Both claims represent separate legal entities, separate accounts (each with a different email address), and are with different branches of the FTX group (FTX.com for my personal claim and FTX Europe for my company claim).

The confusion likely arises from the fact that I manage both accounts, but the accounts are not linked beyond my role as both an individual and the owner of the company.

The funds in the FTX account associated with Overprod, EURL, originated exclusively from a direct fiat deposit made from the company's official bank account. This deposit was intended for corporate investment and trading purposes, clearly distinguishing it from the funds in my personal FTX account.

In contrast, the assets in my personal FTX account were sourced entirely from cryptocurrency transfers. These transfers were made from my personal account at Kraken, reflecting a separate and distinct origin that aligns with my individual trading activities.

This clear delineation underscores that the funds in each account are unrelated and independently sourced, supporting their distinction in any claims or financial assessments related to FTX's proceedings.

Legal Argument

The Debtors' assertion that Claim No. 1253 is superseded by Claim No. 2000 is factually incorrect. The claims relate to distinct accounts (personal and corporate) at different entities within the FTX group (FTX.com and FTX Europe). Under U.S. bankruptcy law, the claims of separate legal entities should not be conflated due to shared management.

The relevant bankruptcy statutes support the recognition of both claims as distinct liabilities of separate entities. The corporate claim involves a deposit by Overprod, EURL, a distinct legal entity, and therefore, cannot be superseded by my personal claim against FTX.com. Furthermore, the Debtors have provided no basis under 11 U.S.C. §502(b) or any other applicable statute to disallow Claim No. 1253.

Supporting Documentation

The following documents, which were previously submitted with the original proofs of claim for Claim No. 1253 and Claim No. 2000, support the assertions made therein. These documents are not being resubmitted here, as requested, but are available for review if needed:

For Company Claim No. 1253 (Overprod, EURL):

1. **Supporting Explanation for Claim of French company Overprod against FTX.com** - Detailed creation and verification of the FTX account, along with the deposit and lack of trading activity.
2. **FTX Proof of Claim Form - Overprod** - The formal proof of claim filed with the court.
3. **Proof of Payment (preuve-overprod-3778-1-transfer-27 - redacted.pdf)** - Bank transfer document confirming the deposit made to FTX.
4. **FTX Fiat Deposit Credited Email (Roundcube Webmail __ FTX fiat deposit credited - redacted.pdf)** - Email from FTX confirming the credit of the deposit.
5. **IBAN Information for FTX Pro (FTX Pro IBAN - redacted.png)** - Bank details used for the fiat transaction.
- 6.

For Personal Claim No. 2000:

6. **Supporting Explanation for Claim of Jerome Carrette against FTX.com** - Overview of account creation, deposits made, and the subsequent claim adjustment (replacing claim 1316).
7. **FTX Proof of Claim Form - Jerome Carrette Ed2 9,254 USD** - The updated proof of claim form reflecting the revised claim amount (replacing claim 1316).
8. **Gmail - BTC Deposit Received (20210302 Gmail - BTC deposit received - redacted.pdf)** - Confirmation emails from FTX for BTC deposits.
9. **Gmail - TUSD Deposit Received (2022307 Gmail - TUSD deposit received - redacted.pdf)** - Confirmation email from FTX for TUSD deposit.
10. **Kraken Transfers to FTX 1 & 2 (20210302 - Kraken transfers to FTX 1 - redacted.png & 20210302 - Kraken transfers to FTX 2 - redacted.png)** - Documentation of BTC transfers from Kraken to FTX.
11. **Kraken BTC Withdrawal Addresses (Kraken BTC withdrawal addresses - redacted.png)** - Details of the withdrawal addresses used for transferring BTC from Kraken to FTX.

These documents collectively outline the financial transactions, deposits, and communications with FTX associated with each claim. They are essential for

demonstrating the basis and legitimacy of both the personal and company claims against FTX.

Contact Information

For further communication regarding this response, please contact me at:

Jérôme Carrette

Email: jerome.carrette@gmail.com

Phone: +337 81 71 75 85

Owner and Director of Overprod, EURL

I possess full authority to reconcile, settle, or otherwise resolve this objection on behalf of Overprod, EURL.

Conclusion

For the reasons outlined, I respectfully request that the Court reject the Debtors' objection to Claim No. 1253, recognizing that it pertains to a separate legal entity, Overprod, EURL, and concerns an account with FTX Europe. The claim should be processed independently from Claim No. 2000, which pertains to my personal account with FTX.com.

Thank you for your consideration of this matter.

Sincerely,

Jérôme Carrette

Owner and Director, Overprod, EURL


 **OverProd**
SARL au capital de 1000 euros
SIRET 818 023 301 00034
220 route des désirs
01540 St Julien sur Veyle • France
Tél. : +33 (0)7 81 71 75 85



XE 507 840 290 FR

Code: 17 48



chronopost

FOR ANY INFORMATION
www.chronopost.fr

SENDER

CHRONO EXPRESS® envelope International

NAME

ADDRESS

ZIP CODE

CITY

COUNTRY

FRANCE

PHONE

E-MAIL

CONTACT NAME

RECEIVER

Receiver's copy

NAME

ADDRESS

ZIP CODE

CITY

STATE

COUNTRY

UNITED STATES / AMERICA

CONTACT NAME

PHONE

CONTENT DESCRIPTION

PREPAID

Maximum resistance 1 kg

CONTENTS

Documents
(no commercial value)

DATE

7 9 1 1 0 2 4
D D M M Y YSENDER
SIGNATURE

Only documents without commercial value are allowed. The sender accepts the general sales conditions as indicated on the back and certifies that the parcel does not contain prohibited articles or dangerous and/or restricted goods.

Départ FRANCE MÉTROPOLITAINE/MONACO
Destination OUTRE-MER ET MONDE

Service Client • Entreprise 0825 801 111 • Particulier 0969 391 391**

CHRONOPOST SAS - 3 Boulevard

Société par Actions Simplifiée au Capital de 32 632 000 € - 383 960 135 RCS Paris Code TVA FR 82 363 960 135

FR
LE TRI
+ FACILE

ENF-SS-004-9423 CSF 09/2022 - PAE 04/2024

Format utile : 27 x 33,5 cm • Résistance maximale conseillée (emballage inclus) : 1 kg

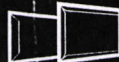
N° REP emballages : FR270333_01JJQG - N° REP papiers : FR232072_03UPMM - © Copyright Chronopost 2022
CHRONOPOST SAS - 3 bd Romain Rolland - 75014 Paris - RCS Paris 383 960 135 / Crédit photo : Getty Images.

CHRONOPOST, LA SOLUTION DE RÉFÉRENCE POUR VOS ENVOIS

MONDE
et Outre-mer

AUTRES DESTINATIONS DISPONIBLES :

Départ de la France métropolitaine :

FRANCE
métropolitaineEUROPE
Union européenne

ENVELOPPE

1 kg

POCHETTES

1 kg



BOÎTE

5 kg

Pour plus d'informations, voir fiche pays sur www.chronopost.fr

0019801043500001221223028405



0435 0000 1221 222
[E] US - INX - 0937 -
ROW2 302-US-19801
FDX
29/10/2024 19:14 106 PUMA VS.6.1 2PL-2

SENDER
CHRONOPOST CDG
HUB ROISSY CDG
ROISSY CEDEX

95700 FR

SHIP DATE : 29OCT24
ACTWGT : 0,2 Kg
CAD# : 1713/FUSE0009
BILL SENDER:
PKG TYPE: CUSTOMER

To:
1 302 252 2900
UNITED STATES BANKRUPTCY COURT
DISTRICT OF DE LAWARE OFFICE OF THE
DARK 824 MARKET STREET 3RD FLOOR
WILMINGTON DE 19801

FedEx
EXPRESS



REF : 04350000 1221 222

TRK# 4028 2595 4380 IP EOD
[0430]

U.S.M.S.
X-RAY

E9 ZWIA

19801

DE-US PHL

FedEx
TRK#
[0430] 4028 2595 4380

EE ZWIA

AA
IP EOD CLR
ETD CLR
19801
DE-US
PHL



981392 EWR 10/30 583G6/2D2B/0D3B

SUIVIR
INTERNET

[INCLUS]

[EN OPTION]

ASSURANCE DU BIE
TRANSPORTE
JUSQU'A
5 000 €